

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LESSIE ANDERSON,

Plaintiff,

v.

9:04-CV-0030 (NAM/DEP)

LOYCE DUKE, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

LESSIE ANDERSON, pro se

FOR THE DEFENDANT:

HON. ANDREW M. CUOMO
Office of the Attorney General
State of New York
The Capitol
Albany, NY 12224-0341

ADRIENNE J. KERWIN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 4th day of January, 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.

2. The defendants' motion for summary judgment dismissing plaintiff's complaint in its entirety (Dkt. No. 50) is granted in all respects, with prejudice as against defendants Duke, McLaughlin and Testo but without prejudice as against the defendant identified only as "Watch Commander."

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: January 28, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge